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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/003,812	01/07/1998	SATOSHI BAN	041-1987	9498
7590	04/23/2004		EXAMINER	
ISRAEL GOPSTEIN CLARK & BRODY 1750 K STREET, N.W. SUITE 600 WASHINGTON, DC 20006			GRIER, LAURA A	
		ART UNIT	PAPER NUMBER	
		2644		
DATE MAILED: 04/23/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/003,812	BAN ET AL.
Examiner	Art Unit	
Laura A Grier	2644	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 22 January 2004.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 8-11 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) 9 and 11 is/are allowed.

6) Claim(s) 8 and 10 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) Notice of Informal Patent Application (PTO-152)
6) Other: _____.

DETAILED ACTION

1. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. **Claims 8 and 10** are rejected under 35 U.S.C. 102(e) as being anticipated by Young, III, U. S. Patent No. 5694467.

Regarding *claim 8*, Young, III (herein, Young) discloses an integrated sound/telephone headset system. Young, III disclosure teaches dual communication between an audio source and telephone using earphones and/or headset. (Figures 2-3 and abstract). Young's disclosure inherently teaches the disconnection of a first plug as evident of the connection of the music source (audio source) with the music feed (16) and pause active (29) lines coupled to the music source and control box (20) by way of audio line 47 coupled to the headset (40) and the disconnection of a second plug as evident of the connection of the phone (portable communication device) coupled to the control box (20) by way of the handset line (15) coupled to mic feed (48) coupled on the headset (40),

wherein the control box causes the disconnection of the devices via a mixer (22), (col. 4, lines 66 – col. 5, lines 1-26);

a headset (40) comprising a earphones or headphone speakers (44 and 46, col. 3, lines 65-67), which reads on an electroacoustical transducer for receiving an audio signal by the said 1st plug when the mixer Music source (30) is enabled via the mixer;

the control box (20) reads on the first means connected the 2nd plug for detecting (sensing) the whether a call-related electric signal such as a ring signal is received from the phone line (26) – portable communication terminal device (col. 4, lines 35-57; col. 6, lines 25-33, and lines 66-67, and col. 7, lines 1-8); the control box (20) as reads on the second means connected to the first plug, the second plug, the electroacoustical transducer, the first means, wherein the control box may comprises automatic switching between the two the audio source and portable communications devices (col. 5, lines 46-50), with the control box controlling the switching between the two devices by disabling the respective device's connection to the mixer to the music feed and passive active lines (inherent first plug) and handset line and phone line (26), (inherent second plug), which reads on automatically disconnecting the 1st plug to the electroacoustical transducer, and automatically connecting the second plug to the electrical acoustical transducer in response to the detection result signal generated by the by first means when the first means detects that a call-related electric signal is outputted from the portable communication terminal device.

Regarding **claim 10**, Young discloses everything claimed as applied above (see claim 1). Young further discloses a microphone (42) with a switch (41) coupled to the phone lines via the mixer in the control box for providing a control signal to the phone for enabling the system to be in a telephone mode (col. 3, lines 55-64, and col. 4, lines 64-66), which reads on the microphone element connected to the second plug, therein.

5. **Claim 8** is rejected under 35 U.S.C. 102(e) as being anticipated by Iglehart et al., U. S. Patent No. 6091812.

Regarding *claim 8*, Iglehart et al., (herein, Iglehart) discloses an apparatus and method for automatically switching a headset between a telephone and a second audio source (figure 1). Iglehart's disclosure

inherently discloses a 1st plug for disconnection with an audio device as evident by the audio connector (104) coupled to an audio device (112);

and inherently discloses a 2nd plug for disconnection with the portable communication terminal device as evident by the telephone line (115) connected to the telephone connector (108) to a telephone (114);

a headset (110)/speaker (col. 1, lines 66- col. 2, lines 1-3, and col. 3, lines 18-27), which reads on an electroacoustical transducer connected for receiving an audio signal provided by the first plug (audio device);

switch (102) senses the voltage/current output by the telephone (col. 2, lines 5-7, and lines 15-20), which reads on a first means connected thereto the 2nd plug for detecting whether or not a call-related signal is output, therein;

a switching apparatus is connected to the audio source via the audio connector, the telephone via the telephone line and the telephone connector, the headset (electroacoustical transducer) and includes the switch (102), wherein the upon sensing voltage level for the telephone input, the switching apparatus automatically disconnects the audio signal provided by the 1st plug and automatically connects the 2nd plug (telephone) to headset (electroacoustical transducer) in response the sensed result by the first means, therein (col. 2, lines 10-38), which

reads on a second means connected to the 1st plug, 2nd plug, the electroacoustical transducer, and the first means, therein.

Allowable Subject Matter

6. **Claims 9 and 11 are allowed.**

Response to Arguments

7. Applicant's arguments with respect to claims 8 and 10 have been considered but are moot in view of the new ground(s) of rejection.

The applicant essentially argues that the Office Action provided in the Final Rejection fails to make a *prima facie* case of obviousness. The 103)(a) rejection has been removed and the Young, III reference has been maintained in a 102(e) rejection of claims 8 and 10, in respect to the teachings of the automatic switching between the devices in Young. The arguments are based essentially on the fact that Young is essentially a manually operated structure, wherein, Young fails to disclose the second means connected to the 1st plug, 2nd plug, the electroacoustical transducer and the first means, therein wherein the second means implements automatically switching in response to the detection signal result signal generated by the first means. The control box of Young has been interpreted and indicated to read on both the 1st and 2nd means, wherein, the control senses/detects the ring signal of the telephone and in return, the control box also disables the mixer of the music source, wherein the headset is used to receive the telephone call via indication from the mic feed, and wherein the ring signal is a call related electrical signal output by the telephone. The Porco reference of prior art has been removed. A new reference of

prior art has been applied in a 102(e) rejection solely on its own merits for teaching the claimed invention, comprising a headset coupled to a switching apparatus, which is coupled thereto an audio source, and telephone source via an audio connector and telephone connector, wherein the switching apparatus includes a means for sensing the voltage of the telephone based upon predetermined conditions to disconnect the headset from audio to the sound to the telephone.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laura A Grier whose telephone number is (703) 306-4819. The examiner can normally be reached on Monday - Friday, 7:30 am - 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Forester W. Isen can be reached on (703) 305-4386.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

Or faxed to:

(703) 872-9314 (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.

LAG 
April 13, 2004



**MINSUN OH HARVEY
PRIMARY EXAMINER**